

REMARKS

This Amendment is submitted prior to continued examination of the present application, and in response to the official action dated January 2, 2009. Claims 1-18 were pending in the application. In the official action, claims 1-18 were rejected. In this Amendment, claims 1, 8, 9, and 16-18 were amended. Claims 1-18 thus remain for consideration.

Applicants submit that claims 1-18 are in condition for allowance and request withdrawal of the rejections in light of the following remarks.

§102 and §103 Rejections

Claims 1-5, 8-13, and 16-18 were rejected under 35 U.S.C. §102(e) as being anticipated by Sun et al. (U.S. Patent Publication No. 2004/0145602).

Claims 6, 7, 14, and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sun in view of Niikawa (U.S. Patent No. 6,757,479).

Applicants submit that the independent claims (claims 1, 8, 9, and 16-18) are patentable over Sun and Niikawa (collectively "the cited references").

Applicants' invention as recited in independent claim 1 is directed toward an information processing device. The claim recites "classifying means for classifying [a file stored in the device] according to information concerning the date of creation of the file in the case that [it is determined] that the file was created by the device, and for classifying the file according to information concerning the date the file was obtained in the case that [it is determined] that the file was obtained from a source external to the device." The claim further recites that "externally created files are classified according to the date the file was obtained, regardless of

whether or not the device receives an indication of when the file was created." (Emphasis supplied.) Supporting disclosure for the emphasized recitation, and a discussion of its advantages, can be found in the specification at, for example, page 19, line 5 - page 20, line 13. Claims 8, 9, and 16-18 include similar recitations.

Neither of the cited references discloses the quoted recitation. In particular, Applicants note that the Sun reference classifies externally generated photos according to the time the photo file is obtained only if the time that the photo was created is not available. (See, Sun paragraph [0059]; and Fig. 5.) Accordingly, Applicants submit that the independent claims are patentable over the cited references - taken either individually or in combination - on at least this basis.

Further, since dependent claims inherit the limitations of their respective base claims, Applicants believe that dependent claims 2-7 and 10-15 are patentable over the cited references for at least the same reasons discussed in connection with the independent claims.

Applicants respectfully submit that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited. If any issues remain, or if the Examiner has any further suggestions, he/she is invited to telephone the undersigned at (908) 654-5000.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 12-1095.


Application No.: 10/551,733

Docket No.: SONYJP 3.3-371

The Examiner's consideration of this matter is gratefully acknowledged.

Dated: May 20, 2009

Respectfully submitted,

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